

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 8/8/2008 is entered. Claims 1, 4, 11, 12, 24, 27, 34, 35, have been amended. Claims 2, 3, 5-10, 13-23, 25, 26, 28-33 and 36-50 dependent on independent claims 1 and 24 were previously withdrawn.

### ***Drawings***

2. Drawings filed 8/5/2004 are accepted.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Mr. Randy Notzen on 11/5/2008 (Note: The amendments to claims 14 and 37 were not discussed but they have to be amended as they were dependent claims from currently cancelled claims 3 and 26 respectively.

The application has been amended as follows: Claims 1 and 24 have been amended and claims 3 and 26 have been cancelled.

Claim 1. (Currently Amended) A computer-implemented method of conducting a live combinatorial exchange comprising:

Art Unit: 3625

(a) ~~directing a processor to store in a memory of a computer at least one bid received from each bidder of a plurality of bidders, wherein each bid is comprised of a plurality of items, an initial quantity of each item, and a price for all of the items and their quantities;~~

**Deleted:** receiving**Formatted:** Indent: First line: 36 pt,  
Line spacing: Double**Deleted:** from each**Deleted:** at least one

(b) ~~directing the processor of the computer to determine an allocation for the type of exchange being conducted, wherein said allocation includes a plurality of the bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item;~~

**Deleted:** determining

(c) ~~directing the processor of the computer to cause at least a portion of each bid of said allocation to be displayed to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation;~~

**Deleted:** causing

(d) ~~directing the processor of the computer to store in the memory of the computer for each bidder of a subset of the first subset of bidders at least one of the following: a new bid or an amendment to an existing bid of the bidder; and~~

**Deleted:** receiving from

~~.....(e) directing the processor of the computer to repeat steps (b)-(d) until a predetermined condition is satisfied, wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.~~

**Deleted:** repeating**Formatted:** Font: 12 pt

Claim 3. (Cancelled)

**Formatted:** Indent: First line: 36 pt,  
Line spacing: Double, Tabs: Not at 198 pt

Art Unit: 3625

Claim 14.(Currently Amended) The method of claim [[3]] 1, further including extending the predetermined time interval in response to receiving a bid that improves the allocation within a predetermined duration of the end of the predetermined time interval.

Claim 24. (Currently Amended) A computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to perform the steps of:

(a) store in a memory of a computer at least one bid received from each bidder of a plurality of bidders, wherein each bid is comprised of a plurality of items, an initial quantity of each item, and a price for all of the items and their quantities;

(b) determine an allocation for the type of exchange being conducted, wherein said allocation includes a plurality of the bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item;

(c) cause at least a portion of each bid of said allocation to be displayed to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation;

(d) store in the memory of the computer for each bidder of a subset of the first subset of bidders at least one of the following: a new bid or an amendment to an existing bid of the bidder; and

**Formatted:** Indent: First line: 36 pt,  
Line spacing: Double

**Formatted:** Indent: First line: 36 pt,  
Line spacing: Double, Tabs: Not at  
204 pt

**Deleted:** receive

**Formatted:** Font: 12 pt

**Formatted:** Indent: First line: 36 pt,  
Line spacing: Double

**Deleted:** from each

**Deleted:** at least one

**Deleted:** display

**Formatted:** Font: 12 pt

**Formatted:** Font: 12 pt

**Deleted:** receive from

\_\_\_\_\_ (e) \_\_\_\_\_ repeat steps (b)-(d) until a predetermined condition is satisfied, wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

Formatted: Font: 12 pt

Claim 26. (Cancelled)

Formatted: Font: 12 pt

Claim 37. (Currently Amended) The computer readable medium of claim [[26]] 24, wherein the instructions further cause the processor to extend the predetermined time interval in response to receiving a bid that improves the allocation within a predetermined duration of the end of the predetermined time interval.

#### ***Allowable Subject Matter***

4. Claims 1-2, 4-25, 27-50 are allowed wherein claims 1 and 24 are independent claims and claims 2, 4-23, 47-50 are dependent of claim 1 and claims 25, 27-46 are dependent of claim 24. Earlier withdrawn claims 2, 5-10, 13-23, 25, 28-33 and 36-50 are allowed because they depend from allowable independent claims 1 and 24.

The following is an examiner's statement of reasons for allowance: The prior art , alone or combined, does neither anticipate nor render obvious, as a whole, a computer-implemented method of conducting a live combinatorial exchange comprising (a)

Art Unit: 3625

directing a processor to store in a memory of a computer at least one bid received from each bidder of a plurality of bidders, wherein each bid is comprised of a plurality of items, an initial quantity of each item, and a price for all of the items and their quantities, (b)directing the computer to determine an allocation for the type of exchange being conducted, wherein said allocation includes a plurality of the bids with each bid of said allocation including all of the items of the bid and at least part of the initial quantity of each item, (c)directing the computer to cause at least a portion of each bid of said allocation to be displayed to each bidder of a first subset of the bidders that has at least one bid that is not included in said allocation, (d)directing the computer to store in the memory of the computer for receiving from each bidder of a subset of the first subset of bidders at least one of the following: a new bid or an amendment to an existing bid of the bidder, and (e)directing the processor of the computer to repeat repeating steps (b)-(d) until a predetermined condition is satisfied, wherein the predetermined condition includes at least one of the following: (i) a lapse of a predetermined time interval from commencement of the exchange, (ii) a manual abort, or (iii) a sum of the prices of the bids of the allocation reaching a predetermined value.

The applicant's arguments filed 8/8/2008, see pages 13-18 are compelling that the prior art of Ausubel et al. (US PG-PUB 20050102215) does not anticipate or render obvious, alone or combined with another prior art, the limitations of claim 1, recited as a whole.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex/Hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yogesh C Garg  
Primary Examiner  
Art Unit 3625

/Yogesh C Garg/  
Primary Examiner, Art Unit 3625

